

# LEWIS RICE LLC

Philip J. Mackey, Esq.  
pmackey@lewisrice.com  
314.444.1343 (*direct*)  
314.612.1343 (*fax*)

Attorneys at Law

600 Washington Avenue  
Suite 2500  
St. Louis, Missouri 63101  
[www.lewisrice.com](http://www.lewisrice.com)

March 28, 2020

## Via Electronic Case Filing

Honorable Lorna G. Schofield  
United States District Court Judge  
Southern District of New York  
6500 Pearl Street  
New York, NY 10007

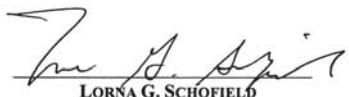
The request to stay this matter is DENIED. The request to stay discovery is DENIED. The request to extend the deadline for Defendant to file its reply to April 17, 2020, is GRANTED.

SO ORDERED.

Dated: March 30, 2020  
New York, New York

**Re: *Lopez v. Build-a-Bear Workshop, et al.*,  
Case No. 1:19-cv-9907-LGS (S.D.N.Y.)**

Dear Judge Schofield:



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

This Firm represents Defendant Build-A-Bear Workshop, Inc. (“Defendant”) in the above-referenced matter. We have conferred with Plaintiff’s counsel regarding the matters set forth herein. Defendant respectfully requests, without Plaintiff’s consent, that this matter be stayed until August 20, 2020. Alternatively, Defendant respectfully requests, with Plaintiff’s consent: (1) a stay of discovery in this matter pending a ruling on Defendant’s currently pending Motion to Dismiss or, in the Alternative, to Strike Plaintiff’s Class Allegations (“Motion to Dismiss”); and (2) an additional fourteen (14) days, up to and including April 17, 2020, within which for Defendant to file its Reply in Support of its Motion to Dismiss (“Reply”).

By way of background, Plaintiff filed his original Complaint on October 25, 2019. (ECF No. 1.) On February 14, 2020, Defendant filed a Motion to Dismiss or, in the Alternative, to Strike Plaintiff’s Class Allegations. (ECF Nos. 20, 21.) On February 18, 2020, Plaintiff filed his operative First Amended Complaint. (ECF No. 22.) On March 6, 2020, Defendant filed its currently pending Motion to Dismiss. (ECF Nos. 25, 26.) On March 18, 2020, Plaintiff filed his Opposition to Defendant’s Motion to Dismiss. (ECF No. 27.) Defendant’s Reply is presently due on or before April 3, 2020. (*See* ECF No. 24.)

As the Court is aware, this matter is one of many similar cases filed in this Court, raising many identical legal issues with respect to Title III of the Americans with Disabilities Act, gift cards, and Braille. In addition to Defendant’s Motion to Dismiss, myriad motions to dismiss are pending in these similar cases. Defendant understands that stays have been entered in a number of these similar cases. *See Tucker v. Chick-Fil-A, Inc.*, Case No. 1:19-cv-09844-ER (S.D.N.Y.) (ECF No. 16) (granting application to stay case and citing myriad orders granting stays in similar, pending cases). Defendant respectfully requests, without Plaintiff’s consent, that this matter be stayed until August 20, 2020, which will allow the parties and this Court the benefit of the analyses on the many other, fully briefed motions to dismiss pending in the similar matters. A stay will also conserve the parties’ resources and the Court’s resources.

Established 1909

**LEWIS RICE<sub>LLC</sub>**

March 28, 2020

Page 2

Alternatively, with Plaintiff's consent, Defendant respectfully requests that discovery be stayed pending a ruling on Defendant's Motion to Dismiss. In addition, Defendant respectfully requests, also with Plaintiff's consent, an additional fourteen (14) days, up to and including April 17, 2020, within which to file its Reply. Defendant and its counsel have experienced unexpected interruption as a result of the COVID-19 virus. As a result, Defendant requests this brief extension. In the event the Court grants Defendant's request to stay this matter until August 20, 2020, Defendant respectfully submits these alternative requests (to stay discovery and for additional time to file its Reply) can be denied as moot.

I thank the Court in advance for its consideration as to the matters set forth herein.

Very truly yours,

*/s/ Philip J. Mackey, Esq.*

PJM/mlj  
Cc: Counsel of Record (via ECF)